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## THE LAW RELATING TO THE RELIEF AND CARE OF DEPENDENTS. VI.

### THE STATE ORGANIZATION AND SUPERVISION OF CHARITIES.

THE preceding papers of this series have dealt with the laws relating to the care and treatment of the dependent and defective classes. The present paper deals with the provisions made for the supervision of the public (and to some extent the private) charitable institutions of the several states and their organization into state systems.

The poor law is usually administered by civil or judicial officers as one of their many duties. As a rule, each of the several public institutions of the state has a distinct board of directors. Under such circumstances it is not to be expected that each officer administering poor relief, or that each director or officer of an institution, should always know the best thing to be done, or, knowing the best thing, should always do it. Much less is it to be expected that the various local and state institutions should all work together as a system, so that the greatest good might be accomplished by the charitable effort of the state. Consequently, a public agency has been created to advise where needful, to secure the enforcement of the law where necessary, and to organize the state's charities. This agency is the "state board of charities."

The state organization of charities began soon after the close of the Civil War. This movement has continued until now twenty-four of the forty-eight commonwealths have a "state board of charities," bearing this or a similar title.<sup>1</sup> Each board

<sup>1</sup> The dates of the organization of the boards in the several states, together with the references to them, are as follows: Massachusetts (ch. 79, R. S., 1882), 1863; New York (ch. 545, Acts of 1896), and Ohio (655-659, Gaique's R. S., as amended in 1892), 1867; North Carolina, discontinued and reorganized in 1889 (2331-2339, Code of 1883), 1869; Illinois (ch. 85, Hurd's R. S.), Pennsylvania (1-20, pp. 295-8 Brightly Purdon's Digest), and Rhode Island (ch. 291, Gen. Laws, 1896), 1869; Wisconsin (Act of April 17, 1891, as amended in 1895 (ch. 202)), and Michigan (9882-

has functions peculiar to itself, just in so far as each state has had conditions peculiar to itself. They have been organized to promote the efficiency of penal institutions and of the provisions for the dependent and defective classes, but emphasis is, in the one instance, placed upon one thing, in the other upon another.

But while the state boards differ greatly, they readily fall into two classes—the *advisory* and the *administrative*. Those of the former class have advisory powers only, while those of the latter have immediate control of the several state institutions. The advisory boards visit and investigate the charitable and penal institutions, counsel with their boards of directors and employes, and make public the results of their investigations together with their recommendations. The administrative boards differ from the ordinary boards of directors chiefly in that the control of all the state charitable institutions is vested in them. They have the same powers and duties in connection with the several institutions that the ordinary board of directors has in connection with its particular institution.

Of the twenty-four states, seven have the administrative boards.<sup>1</sup> The most noted one of these is that of Wisconsin. For many years that state had both advisory and administrative boards. The "State Board of Supervisors" formed a board of control for all the state charitable and reformatory institutions. The "State Board of Charities and Reform" was an advisory body with one or two executive functions. In 1891 both these boards were abolished and the present "State Board of Control"

9888, Annot. Stat., 1882), 1871; Connecticut (1884-8, Gen. Stat., 1888, as amended in 1895), and Kansas (ch. 131, Webb's Gen. Stat., 1897), 1873; New Jersey (Act of March 23, 1883), and Minnesota (459-463, R. S., 1894), 1883; Indiana (3239-3243, Thornton's Ind. Stat., 1897), 1889; South Dakota (Act of March 6, 1890), and Wyoming (Act of January 8, 1891, as amended in 1895), 1890; Oregon (Act of 1891), and Colorado (384<sup>a-z</sup>, Mill's Supplement), 1891; Montana (Act of March 3, 1893), and Arkansas (3929-3931, Sandels and Hill's Digest), 1893; New Hampshire (ch. 116, Acts of 1895, and ch. 91, Acts of 1897), and Tennessee (2672-2677, Supplement of 1895), 1895; Missouri (Acts of March 19 and March 23, 1897), 1897; and Iowa (Act of ——— 1898), 1898.

<sup>1</sup> They are Arkansas, Iowa, Kansas, Rhode Island, South Dakota, Wisconsin, and Wyoming.

created to exercise the functions formerly exercised by the two. It controls the several state institutions and inspects annually all county insane asylums, almshouses, jails, and police stations. The board is a salaried, continuous body, consisting of five members, one appointed by the governor each year, serving for five years. The salary of members is \$2,000 per year. The board has also an annual appropriation of \$3,000 to defray the salary of a secretary and other expenses.

The Rhode Island State Board of Charities and Corrections has control of all the institutions on the State Farm. It consists of nine members (and a salaried secretary), appointed by the governor and confirmed by the senate, serving for six years. It is an unsalaried board, only the actual expenses incurred being defrayed by the state.

South Dakota, Kansas, Iowa, and Arkansas have placed all their state institutions for defectives under state boards of control. South Dakota's board is a continuous body, consisting of five members, appointed by the governor and confirmed by the senate, and serving for six years. They receive \$3 per day for the time spent (not more than one hundred days per year) in the performance of their duties. The board of trustees of the Kansas state institutions for defectives is very similar to that of Dakota. The Arkansas board has control over the schools for the blind, and the deaf and dumb, and the hospital for the insane. It consists of six members, one from each congressional district, appointed by the governor and serving for two years. The Iowa legislature, at its last session (1898), placed all the state institutions under the control of a board of three.

The State Board of Charities and Reform of Wyoming, created in 1891, was in 1895 given full control of all the state institutions. It combines the functions of an administrative and of an advisory board. Besides directing the several institutions, one of its members must visit all county jails at least once each year. Unlike the other state boards, it consists of certain state officers, viz., the state treasurer, the state auditor, and the state superintendent of public instruction.

Seventeen states have advisory boards. These are usually

unsalaried, continuous bodies, consisting of five, six, or nine members appointed by the governor, with the advice and consent of the senate, and serving for long terms.<sup>1</sup> The boards of Indiana, Ohio, Oregon, and Tennessee are bipartisan, and their appointment is vested in the governor alone. In North Carolina the members are chosen by the general assembly. In Minnesota, Missouri, New Jersey, Ohio, Tennessee, and Indiana the governor is *ex officio* a member and the chairman of the board. In Pennsylvania the secretary, and in New Hampshire the secretary of the State Board of Health, are *ex-officio* members of the boards of charities of their respective states.

The greater part of the work of the advisory boards is done by a paid secretary, who is appointed and usually has his salary fixed by the board. We find no provision for a paid secretary in Montana, North Carolina, and Tennessee. In a few instances his salary is fixed by statute, and is in such cases almost invariably low.<sup>2</sup>

The duties of the advisory state boards may be divided into those of visitation and inspection of state institutions, visitation and inspection of local institutions, visitation and inspection of private institutions, general investigations into the questions of pauperism, insanity, and crime, and reporting their action and recommendations to the governor or the legislature.

<sup>1</sup> All the advisory state boards are continuous bodies, the terms of only a part of the members expiring at a time. With the exception of New York's board, they are all unsalaried. The members of that board receive their expenses and \$10 per day for the time spent in the performance of their duties.

The boards consist of three (appointed) members in Montana; four in Michigan; five in Connecticut, Illinois, New Hampshire, North Carolina, and Pennsylvania; six in Colorado, Indiana, Minnesota, Missouri, New Jersey, Ohio, Oregon, and Tennessee; nine in Massachusetts; and of eleven in New York. They serve for three years in Indiana, Minnesota, Ohio, and Tennessee; four years in Connecticut; five years in Illinois, Massachusetts, New Hampshire, North Carolina, and Pennsylvania; six years in Colorado, Missouri, Montana, New Jersey, and Oregon; and eight years in Michigan and New York.

<sup>2</sup> The salary of the secretary is fixed in the following states: Connecticut, \$1,500; Missouri, \$1,000; Ohio, \$1,200; and Pennsylvania, \$3,000.

The annual appropriation made for carrying on the work (including clerk hire, traveling expenses, stationery, etc.) in some of the states is as follows: Colorado, \$3,000; Indiana, \$4,000; Michigan, Minnesota, and Oregon, \$5,000; Missouri, \$1,500; and Montana, \$1,000.

Usually all institutions for the dependent, defective, and delinquent classes, wholly or partially supported by the state, are supervised by the state boards. These include the prisons, reformatories, and industrial schools, hospitals for the insane, institutions for the blind, deaf and dumb, feeble-minded and epileptic, and state schools for dependent children. The prisons are excepted in New York, Massachusetts, and New Hampshire. So, too, are the institutions for the education of the blind and the deaf-mutes in a few of the eastern states. In New York the Commission on Lunacy has supervision over the hospitals for the insane. The state board of New Hampshire was created to secure the enforcement of the law relating to the care of dependent children, and so has supervision over none of the state institutions. The Lunacy Commission (the State Board of Health), however, performs the functions of a supervisory body for the hospitals and retreats for the insane.

The institutions are usually visited regularly by a committee delegated by the board. The committee has power to enter and inspect all parts of the institutions, to examine the records and all contracts, to hear complaints, and in such cases to take the testimony of the inmates. The boards are usually left free to make their own rules in regard to all these matters.

This same power is usually extended over local institutions. In Ohio, however, this is not the case. In Massachusetts and Michigan all almshouses are to be visited annually; in New York and Pennsylvania, biennially. But usually the power of visiting local institutions is permissive, and the frequency of inspections is left to the discretion of the board. Reports of the work of the local institutions may be required, and are usually made annually. The state boards of New York and Pennsylvania are to prescribe a uniform system of records to be kept by the administrators of the poor law throughout their respective states. The boards of some other states may require such records to be kept as they deem desirable. In Michigan the duty of providing blanks for keeping uniform records devolves upon a committee consisting of the secretary of state, the attorney-general, and the secretary of the State Board of Charities.

The state boards of Colorado, Connecticut, Illinois, and Massachusetts have the same power of inspection of private asylums and retreats for the insane as of public hospitals. In Illinois the state board has the power of licensing them. The power of the state boards of New York, Pennsylvania, Missouri, and Montana extends to institutions receiving aid from the public as well as to those wholly supported by it.

One of the most important duties of the boards and their secretaries is that of collecting statistics concerning the various questions with which they have to deal. In some of the laws great emphasis is placed upon this. In North Carolina the board is to examine the "general condition of the state as affected by crime, vagrancy, and pauperism," and it is to "give special attention to the causes of insanity, defect or loss of the several senses, idiocy, and the deformity and infirmity of the physical organization." The county commissioners are to make an annual report to it on the question of pauperism. In Connecticut the board is to collect statistics in regard to pauperism and poor-law administration and to publish them in its annual report. This will suffice as illustration. Similar provisions are found in nearly all the acts creating the several state boards.

The boards are to report annually or biennially to the governor or to the legislature, showing the conditions of the various institutions and recommending needful changes in the law or its administration. Each board is expected to plan a system for the legislature to attempt to arrive at, and to map out a policy to be pursued by it, in its legislation.

This is the constitution and these are the powers and duties common to the advisory state boards. Their functions have been determined by the conditions existing in the several states. As the charitable work of the states has extended, new powers have been conferred upon the boards and new duties have been added. Nearly all the state boards were organized as purely advisory bodies, but, owing to the exigencies of the situation, few remain so now. The executive powers conferred upon them are varied and many.

In Massachusetts and New York, where there is a distinction

between "town" and "state paupers," the latter class are under the direction of the state board. In the former state they are cared for in state institutions, or, if harmless insane, or dependent minors, may be cared for in families. The representative of the board must find families with which to place persons of these classes and visit them when so placed. In New York institutions organized for the care of dependent minors are incorporated only with the consent of the state board. The New Hampshire state board was expressly created to secure the enforcement of the law relating to finding family homes for dependent children. It is to see that such children are removed from the almshouses, placed with families, and are then well cared for. On January 1, 1898, it became the duty of the Indiana State Board of Charities to secure the enforcement of the law relating to the dependent children of that state. The board is to appoint one or more agents to coöperate with the local authorities in finding homes for dependent minors and in visiting them when placed in them. In Connecticut one member of the board is to serve on the board of directors of each county children's home.

In Minnesota, Oregon, Pennsylvania, Tennessee, and Indiana the plans for all jails, almshouses, hospitals, reformatories, and homes of various kinds must be submitted to the state boards for their approval. The Board of State Commissioners in Illinois must audit the accounts of all the state charitable institutions before the warrants are issued by the state treasurer.<sup>1</sup> The board also licenses and visits private institutions for the insane.

Lunacy commissions have been created in a few states to supervise the treatment of the insane. As they were noticed in the preceding paper on "Defectives," it will not be necessary at this time to do more than call attention to them.

In a number of instances the appointment of local commissions or agents to help the state boards in their inspection of

<sup>1</sup> Dr. Wines has claimed that the power to audit the accounts of the several state institutions of Illinois, and to recommend the granting or refusal of appropriations asked for by them, has given the state board much more influence than it would otherwise have had. He recommends it to the other state boards.



institutions has been authorized. The state boards of New York and Pennsylvania are authorized to appoint a committee of three in each county for the visitation of the local public institutions, the jail, and the almshouse.<sup>1</sup> In Pennsylvania the power of visitation also extends to public and private asylums and retreats for the insane. In Illinois it is incumbent upon the state board to appoint such a committee of three.<sup>2</sup> The state board of New Jersey may appoint two representatives in each county.<sup>3</sup> The county agents serve in a somewhat similar capacity in Michigan.<sup>4</sup> The state board of Tennessee, organized in 1895, has appointed a committee of six, three men and three women, in each county to aid it in its work. Perhaps other state boards have done likewise.

Ohio and Colorado provide for the appointment of county boards by the probate court. In Ohio the boards consist of five members (three of whom are women), whose duty it is to visit the local institutions and to make an annual report to the clerk of the court and the State Board of Charities. In Colorado the boards consist of six members, two being appointed each year and serving for three years. They visit and inspect all local institutions quarterly, and make an annual report to the State Board of Charities and Corrections. As is the duty of the county agent in Michigan, someone appointed by the board in each county must appear in court in the interest of a minor when arraigned. In both Ohio and Colorado the appointment of these boards is mandatory.

The state charities aid associations of New York and New Jersey are of much importance in the supervision of the charities of those states, and should receive attention here. They are voluntary organizations, having committees in most of the counties of both states. Permission is secured from the courts to visit and inspect the local institutions. The organizations are of such repute that their investigations and reports

<sup>1</sup> Ch. 546, Acts of 1896; 20, p. 298.

<sup>2</sup> 34, ch. 85.

<sup>3</sup> 6, Act of March 23, 1883.

<sup>4</sup> Ch. 346.

have been a great factor in the advancement of the charities of those two states.<sup>1</sup>

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<sup>1</sup>See Art. ii, ch. 546, Acts of New York, 1896, and Acts of April 16, 1886, and March 23, 1892, of the legislature of New Jersey.

For an account of the work done in New York, see MR. HOMER FOLKS' paper on "The Work of the State Charities Aid Association of New York," *Report of the N. C. C.*, 1897, p. 278.

New Jersey subsidizes the association in that state.